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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,184	05/15/2001	Akira Koto	AFT 1001-01US	9320
28327	7590	09/17/2004	EXAMINER	
THE LAW OFFICE OF JOHN A. GRIECCI 703 PIER AVE., SUITE B #657 HERMOSA BEACH, CA 90254			BATURAY, ALICIA	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/858,184	Applicant(s) KOTO, AKIRA	
	Examiner Alicia Baturay	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/858,184.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08272004</u> . | 6) <input checked="" type="checkbox"/> Other: <u>PTO-37</u> . |

DETAILED ACTION

1. Claims 1 – 11 are pending.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phrasology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

3. The abstract of the disclosure is objected to because of grammatical errors. Applicant states "A method of searching for persons is provided, wherein an unspecified number of participants can search for persons who have given the most similar answers or entirely opposite answer..." The final use of the word "answer" should be plural. Additionally, application writes "...and a providing step wherein said server provides an introductory information produced based on said personal information..." It is suggested that this be changed to read "...and a step wherein the server provides introductory information based on said personal information..." These corrections are exemplary and further corrections within the abstract are required. See MPEP § 608.01(b).

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4. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Objections

5. Claim 1 is objected to because of the following informalities: it is written in an outline format ((A), (B), etc.), and should be written in sentence form. Appropriate correction is required.
6. Claims 1-11 are objected to because of the following informalities: in part (D), Applicant states "a step whereby said participants answer to said questionnaire..." It is believed Applicant meant to substitute "the" in for "to" in this sentence. Additionally, in part (F), Applicant states "a step whereby an introductory information..." It suggested that this "an" be deleted. These corrections are exemplary and further corrections within the claims are required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by de Hond (U.S. 5,796,395).
9. As to claim 1, de Hond describes a method of searching for persons (de Hond, col. 10, lines 49-50) comprising: a plurality of participants connecting their terminals with a server (de Hond, Fig. 1), a step whereby each participant inputs personal information into said server (de Hond, Fig. 6, note label "Step 1: Personal Information:"), the server provides a questionnaire to each of the participants (de Hond, Fig. 9), a step where said participants answer the questionnaire (de Hond, Fig. 9, element 116), a step where the server detects others who have given the same, similar or opposite answers (de Hond, col. 6, lines 9-18), and a step where introductory information is provided between resulting participants (de Hond, col. 6, lines 31-45).
10. As to claim 3, de Hond discloses the invention substantially including enabling communications between two or more participants (de Hond, Fig. 16).
11. As to claim 4, de Hond discloses the invention substantially including confirming that participants desire mutual introductions (de Hond, col. 6, lines 53-67).
12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

13. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al (U.S. 6,093,026).

Walker teaches a server comprising: connecting means for connecting the server with a plurality of terminals (Walker, Fig. 2), a first memory means for storing questionnaires (Walker, Fig. 2, element 28), controlling means for transferring questionnaires to terminals (Walker, Fig. 2, element 30) and receiving and storing information on answers based on the questionnaire (Walker, Fig. 2, element 34), means for conducting statistical treatment on responses (Walker, col. 4, line 66 – col.5, line 4), comparing results after statistical treatment with a predetermined value (Walker, Fig. 4, each record has elements 414 and 420), and reporting the results to the terminal (Walker, Fig. 5, elements 508-518).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2, 5, 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Hond as applied to claim 1 above, and further in view of Walker.

16. As to claim 2, de Hond teaches the use of a questionnaire, but does not teach a deadline for answering the questionnaire. However, Walker does teach the use of a deadline for providing responses (Walker, col. 5, lines 39-40). It would have been obvious to combine the teachings of de Hond and Walker to facilitate finding users that are currently online and available to communicate in real time with other users (de Hond, col. 12, lines 2-4; lines 37-38).

17. As to claim 5, de Hond teaches the use of a questionnaire, but does not disclose a plurality of questionnaires or measure of a predetermined number of people. However, Walker does teach use of multiple questionnaires (Walker, col. 11, lines 61-63) and a predetermined threshold (Walker, Fig. 4, element 422). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of de Hond and Walker to refine the possible matches with those who have similar or opposite interests (de Hond, col. 6, lines 46-48).

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18. As to claims 7 and 8, de Hond teaches the use of a questionnaire and returning results to the user via a terminal (de Hond, Fig. 12, element 124), but does not disclose a plurality of questionnaires. However, Walker does teach the use of multiple questionnaires (Walker, col. 11, lines 61-63). It would have been obvious to combine the teachings of de Hond and Walker to refine the possible matches with those who have similar or opposite interests (de Hond, col. 6, lines 46-48).

19. As to claim 9, de Hond teaches the use of a questionnaire, but does not disclose giving priority to a single question. However, Walker does teach giving a particular question priority (Walker, col. 12, lines 60-63). It would have been obvious to combine the teachings of de Hond and Walker to facilitate communication with others who share their specific interests (de Hond, col. 1, lines 15-16).

20. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over de Hond as applied to claim 1 above, and further in view of Collins (U.S. 5,963,951).

de Hond discloses the method of searching for persons and initiating contact with an individual using a communications means, but does not teach the use of paying a fee to contact a person. Collins describes an analogous system that includes the use of fee payment information (Collins, Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of de Hond and Collins to generate revenues from subscription fees (Collins, col. 2, lines 3-4).

Allowable Subject Matter

21. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reason for allowance of claim 6 is the inclusion of the limitation stating that when the result of the current survey is less than a predetermined threshold, the server returns the results of the previous questionnaire to the participant and has the participant prioritize these results. In the examiner's opinion, it would not have been obvious to a person of ordinary skill in the art to return the results of the prior survey to the participant. Prior art states that one continues to administer the questionnaire to other participants until the desired results are achieved (Walker, Fig. 5, elements 508-518), and use of user-prioritized results (Gerszberg, col. 3, lines 11-14) has been discussed, however the former talks about questionnaires and the latter search results.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (703) 305-8865. The examiner can normally be reached on 7:15am - 3:45pm, Monday - Friday. The examiner will be moving in mid-October and can be reached then at (571) 272-3981. The Tech Center main telephone number will be (571) 272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER